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Public Utility Commission of Texas

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Pat Wood, III
Chairman

Judy Walsh
Commissioner

Brett A. Perlman
Commissioner

September 14, 2000

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Magalie Roman Salas
Office of the Secretary TW-A306
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: CC Docket No. 96-45/DA 00-1882
In the Matter of Federal-State Joint Board on
Universal Service

To the Secretary:

Enclosed herewith for filing with the Commission are an original plus four copies of the Comments of the Public Utility Commission of Texas in the above captioned matter. We are also providing copies to ITS and to the Common Carrier Bureau. We are also providing an electronic copy of these comments via your ECFS interface.

Sincerely,

Pamela Pruitt Whittington, CPA
Director, Policy Development Division

cc: ITS, Inc.
Sheryl Todd, Common Carrier Bureau

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of

**Federal-State Joint Board on
Universal Service**

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CC Docket No. 96-45

DA 00-1882

**PRELIMINARY COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS
AND NOTICE OF INTENT TO FILE SUPPLEMENTAL INFORMATION**

On August 17, 2000, the Federal Communications Commission ("Commission" or "FCC") released a Public Notice (DA 00-1882) inviting comment on Western Wireless Corporation's (WWC's) petition to reject the rural telephone company self-certification filed by Valor Telecommunications Southwest, LLC (Valor). Valor filed a rural certification letter on June 27, 2000, stating it meets the criteria in section 153(37)(D) by having less than 15 percent of its access lines in communities of more than 50,000 population. On July 27, WWC filed a Petition to Reject Rural Telephone Company Self-Certification, asserting that Valor was not a rural telephone company on the date of enactment of the federal Telecommunications Act, and that Valor's rural status would prejudice the eligible telecommunications carrier status of new entrants such as WWC.

The Public Utility Commission of Texas (Texas PUC), having been given general regulatory authority over public utilities within our jurisdiction in Texas, intends to provide Comments in response to the Public Notice. However, there are currently related proceedings pending before the Texas PUC in which WWC Texas RSA Limited Partnership (d/b/a CellularOne) seeks designation as an eligible telecommunications carrier (ETC) and as an eligible telecommunications provider (ETP) under Texas law that would allow WWC to receive state USF support.¹ The Texas PUC has not made its final determination in those proceedings,

¹ SOAH Docket No. 473-00-1167, PUC Docket No. 22289, Application of WWC Texas RSA Limited Partnership for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214 (c) and P.U.C. SUBST. R. § 26.418; SOAH Docket No. 473-00-1168, PUC Docket No. 22295, Application of WWC Texas RSA Limited Partnership for Designation as an Eligible Telecommunications Provider Pursuant to 47 U.S.C. § 214 (e) and P.U.C. SUBST. R. § 26.417.

and the issue of Valor's status as a rural or non-rural carrier may be one of the contested issues in the proceedings.

The Texas PUC therefore advises the Commission that we intend to provide comments on this issue at the time our pending proceeding is resolved. We expect to be able to provide comments to the Commission no later than October 13, 2000. To the extent that such comments would fall outside of the deadlines established by the FCC in the Public Notice, either the Texas PUC will seek the Commission's approval to accept late-filed comments, or we will provide our position through an *ex parte* filing.

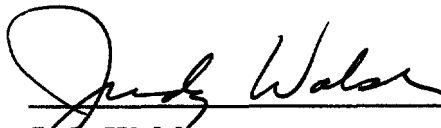
Respectfully submitted,

**Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326**

September 7, 2000



**Pat Wood, III
Chairman**



**Judy Walsh
Commissioner**



**Brett A. Perlman
Commissioner**